



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,444	02/06/2002	Giovanni M. Della-Libera	003797.00212	9546

28319 7590 05/16/2007

BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/16/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/068,444

Applicant(s)

DELLA-LIBERA ET AL.

Examiner

Farid Homayounmehr

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 04/09/2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

Section III Status of Claims section does not identify claims on appeal.


LaShawn Hinton

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket No. 003797.00212)**

In re International Patent Application of)	
Giovanni M. Della-Libera)	Group Art Unit: 2132
)	
Application No. 10/068,444)	Examiner: Farid Homayounmehr
)	
Filed: February 6, 2002)	Attorney Ref. No. 003797.00212
)	
For: VIRTUAL DISTRIBUTED)	Confirmation No. 9546
SECURITY SYSTEM)	

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF


Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Notice of Non-Compliant Appeal Brief dated May 16, 2007. The Examiner has set a one-month period for response, thus making this response due on or before June 16, 2007. Attached herewith is a newly submitted Appeal Brief and a copy of the Notification of Non-Compliant Appeal Brief. It is believed that no fee is due in connection with this filing. However, if a fee is due, the Commissioner is hereby authorized to charge such a fee or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,

Date: June 18, 2007


Shawn P. Gorman
Registration No. 56,197
BANNER & WITCOFF, LTD.
10 S. Wacker Drive
Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001